

EXHIBIT 47



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Lynda Tealer
October 10, 2024

Taylor Smart and Michael Hacker
vs.
National Collegiate Athletic Association

1 typically go to Division I?

2 MR. RAPHAEL: Object to form, foundation

3 and compound.

4 **A. I think it varies by sport. And**

5 **potentially by area of the country.**

6 BY MR. BEREZNEY:

7 Q. For baseball, do the best baseball players

8 typically go to Division I schools, in your experience?

9 **A. I don't know that.**

10 Q. Is it your understanding that Division I

11 schools are required to play a certain amount of their

12 games against other Division I schools?

13 **A. Yes.**

14 Q. And why do you understand that's the case?

15 **A. I don't have -- I don't have an opinion on**

16 **the "why."**

17 Q. Is at least one of the reasons because the

18 NCAA and the schools don't want Division I schools

19 largely playing inferior Division II and III teams?

20 **A. I don't have an opinion as to why that rule**

21 **is in place.**

22 Q. For sports like football, baseball, and

23 basketball, games shown on major television networks

24 are almost always Division I schools, correct?

25 **A. Yes.**

1 Q. And for sports like football, baseball, and

2 basketball, the major professional leagues mostly draft

3 players from Division I schools, correct?

4 **A. I don't have a basis for answering that**

5 **question.**

6 Q. Is it your understanding that at least in

7 terms of prestige, whether rightly or wrongly,

8 Division I athletes are typically viewed by the public

9 as more prestigious than Divisions II and III athletes;

10 is that correct?

11 MR. RAPHAEL: Object to form, foundation

12 and compound.

13 **A. That's my understanding.**

14 BY MR. BEREZNEY:

15 Q. And is the same true of Division I coaches

16 compared to Divisions II and III coaches?

17 MR. RAPHAEL: Object to form, foundation

18 and compound.

19 **A. Can you repeat the question, please?**

20 BY MR. BEREZNEY:

21 Q. Sure.

22 We'll do the same question but we'll just

23 substitute in "coaches" for "athletes." I'll just

24 reread it.

25 Is it your understanding that at least in

1 terms of prestige, whether rightly or wrongly,

2 Division I coaches are typically viewed by the public

3 as more prestigious than Divisions II and III coaches?

4 MR. RAPHAEL: Object to form, foundation,

5 and compound as to all sports in one.

6 Go ahead.

7 **A. Yes.**

8 BY MR. BEREZNEY:

9 Q. Let's talk -- switch gears a little bit.

10 Let's talk more about bylaws.

11 So the Division I of the NCAA has bylaws,

12 correct?

13 **A. Yes.**

14 Q. And do you have a nonlegal understanding of

15 the purpose of the Division I bylaws?

16 MR. RAPHAEL: Object to form, vague.

17 **A. Yes.**

18 BY MR. BEREZNEY:

19 Q. Okay. And what is your understanding?

20 **A. My understanding is a set of standards for**

21 **Division I to function, to operate under.**

22 Q. And those standards are for schools and

23 conferences to follow; is that correct?

24 **A. Yes.**

25 Q. The NCAA is ultimately governed by its

1 members, correct?

2 **A. Yes.**

3 Q. And the NCAA members vote on the bylaws; is

4 that right?

5 **A. Through a representative structure, yes.**

6 Q. And through that representative structure,

7 a majority of NCAA Division I members agree to abide by

8 certain rules that everyone has to follow; is that

9 right?

10 **A. Yes.**

11 Q. And the NCAA bylaws that are applicable to

12 Division I are contained in the Division I Manual,

13 right?

14 **A. Yes.**

15 Q. And the Division I member schools and

16 conferences have to follow the bylaws contained within

17 the Division I Manual, correct?

18 **A. Yes.**

19 Q. And member schools could be punished for

20 violating Division I bylaws, correct?

21 **A. Yes.**

22 MR. BEREZNEY: We're going to the 2020 to

23 '21 manual, it's Boyer Exhibit 1. This is one

24 of the electronic versions. I have a hard copy

25 for the witness. There you go. Okay.